IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1131 OF 2006
IN
CRIMINAL APPEAL NO.586 OF 2006

Deepak Mahadev Yelkar ...Applicant

vs.

State of Maharashtra ...Respondent

Mr.Sameer Pradhan for the Applicant
Mr.D.P.Adsule, A.P.P. for State

CORAM: A.S.OKA,J.
DATE : DECEMBER 13,2006.

P.C.:

1. Heard Advocate for the Applicant and the learned A.P.P. for State. The conviction of the Applicant is for offence punishable under section 511 of the Indian Penal Code. The substantive sentence is of three years R.I.

2. The Application for bail is opposed by the learned A.P.P. on the ground that though the impugned Judgment and order was passed on 21st September 2005, the Applicant did not surrender and he was ultimately arrested on 10th February 2006. However, the learned A.P.P. did not dispute that considering the period of pretrial detention, the Applicant is in custody for a period of about one year. The Applicant was granted bail till the conclusion of trial.

3. It is, thus, obvious that out of substantive sentence of

three years, the Applicant has undergone sentence of one year. The Appeal is not likely to be heard before the remaining period of sentence is over. Hence, Applicant is entitled to be enlarged on bail subject to stringent conditions.

4. Hence, Application is disposed of by passing the following order :

i) The Applicant shall be enlarged on bail in the sum of Rs.10,000/- (Rupees ten thousand) with one or two local sureties in the like amount.

ii) Bail is granted subject to condition that the Applicant will report to Borivali Police Station, Mumbai on first Saturday of every calendar month till the disposal of the Appeal.

iii) The order granting bail will be given effect only after the Applicant produces evidence regarding payment of fine.

JUDGE